THE HONOURABLE SRI JUSTICE P.S.NARAYANA

Dated:15-06-2006

W.P.NO.9309 OF 2004

Between:

Chadala Janakirama Rao Petitioner

And

The Deputy Executive Engineer, Panchayat Raj

Department, Nandigama, Krishna District and others

Respondents

W.P.No. 2840 OF 2006

Between:

Chadala Janakirama Rao Petitioner

And

The Government of Andhra Pradesh,

rep.by Principal Secretary, Panchayat Raj & Rural

Development Department, Secretariat, Hyderabad and another.

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.9309 OF 2004 AND W.P.No. 2840 OF 2006

COMMON ORDER:

1. Heard Sri V.H.V.R.R. Swamy, the learned counsel representing the writ petitioner in both the writ petitions and also Sri M. Prabhakar Rao, the learned counsel representing the respondents.

2. Writ petition No.9309 of 2004 is filed for issuance of the writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in not assigning the lands in Survey Nos. 471/2, 472/3 admeasuring Ac.2-04 cents at Nandigama Village, Krishna District as null and void and pass such other suitable orders.

3. The self-same writ petitioner filed yet another writ petition No.2840 of 2006 praying for issuance of any writ or order more particularly in the nature of writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioner without following due process of law as null and void and pass such other suitable orders.

4. It is stated by the petitioner that he has been serving the Scheduled Tribe community and the petitioner also had narrated several other details in relation to the prior writ petitions and also several proceedings. The learned counsel also had drawn the attention of this court to the communication made by the Mandal Revenue Officer, Nandigama to the District Collector, Krishna, Machiliipatanm, where under the Mandal Revenue Officer had stated that since the land under reference is in continuous possession and enjoyment of the applicant through lease order of the Zilla Parishad authorities since a long time of about 40 years and he is using a part of the land serving the Scheduled Tribe people as stated above, the Zilla Parishad authorities may be addressed to give them consent to allot this land to Sri Chadala Janaki Ramaiah, the President “Andhra Rastra Adimajathi Sevak Sangh” on payment of market value to enable him to serve the Scheduled Tribe people and weaker Sections.

5. Sri M.Prabhakar Rao, however would submit that the Mandal Revenue Officer has no authority or jurisdiction to make such an order, inasmuch as this property belongs to Zilla Parishad.

6. Be that as it may, it is also stated that certain representations in this regard were made by the petitioner and the same were disposed of. In the light of the above facts and circumstances, the writ petitions are disposed of with a direction to the respondents not to disturb the possession of the petitioner except following the due process of law. Except giving the aforesaid direction, no further directions can be issued in this regard, inasmuch as the other concerned parties are not made parties.

7. The writ petitions are disposed of with the above direction. No order as to costs.

P.S.NARAYANA,J

15-06-2006

Stp